

## White, Candace

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**From:** Lee, Maya  
**Sent:** Wednesday, August 14, 2013 8:16 AM  
**To:** White, Candace  
**Subject:** EPA HQ-2013-008047 FW: KIWI: Media Inquiries for West, Texas [REDACTED] --  
10 a.m. Report

*Maya Lee Newman*

FOIA Specialist  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Rm 3213ARS/ Mail Code 2201A  
wk: 202-564-2483  
fax: 202-501-0017  
email: lee.maya@epa.gov

---

**From:** Gentile, Laura  
**Sent:** Tuesday, August 13, 2013 5:42 PM  
**To:** Lee, Maya  
**Subject:** FW: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Laura L. Gentile  
Senior Communications Advisor  
U.S. EPA Office of Enforcement and Compliance Assurance  
Ariel Rios South  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

202.564.3158

---

**From:** Cohen, Nancy  
**Sent:** Monday, June 24, 2013 2:18 PM  
**To:** Jones, Enesta; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Enesta: [REDACTED]

[REDACTED]

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Nancy,  
Can we be responsive to his questions?

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Vicki and David,

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**Here's the response provided to Michael Pell of Reuters:**

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6/24/13 – 10 a.m. Report

OPEN INQUIRIES



1. Reuters

**REPORTER:** Ryan McNeill, [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com), 646.223.7446

**REPORTER FOLLOW-UP REQUEST ON 6/20:**

I know you are working with my colleague, Michael Pell, on another matter. But I need to talk with someone on background today about your raw enforcement data (ICIS-FE&C) to make sure I am using it correctly and interpreting it correctly. For example, I've found what I believe are the settlement of 127 enforcement actions by the EPA involving EPCRA Section 312 violations since Jan. 1, 2012. I'd like to know additional things, such as how to ensure that I'm pulling cases in which a settlement was reached and a fine was paid for those violations. Also, whether it is possible to extract the fines paid specifically for the Section 312 violations and a few other things. I have to move quickly on this and I'm sure you guys would like to ensure I'm correctly interpreting the data. Please let me know. I can make myself available to meet your schedule.

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**REPORTER:** Michael Pell, [michael.pell@thomsonreuters.com](mailto:michael.pell@thomsonreuters.com), 646.223.6997

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## OPEN INQUIRIES

### West, Texas

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**REPORTER:** Ryan McNeill, [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com), 646.223.7446

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**STATUS:** [REDACTED]



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**REPORTER:** Michael Pell, [michael.pell@thomsonreuters.com](mailto:michael.pell@thomsonreuters.com), 646.223.6997

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**Cc:** Jones, Enesta  
**Subject:** EPA HQ 2013-008047

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I have OECA looking at this as well

Laura L. Gentile  
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Enesta: I must be confusing this with Michael Pell? Sorry. Who is this for? And we are looking at the latest questions, nancy

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**To:** Jones, Enesta; Kika, Stacy; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy; Jones, Enesta  
**Subject:** KIWI: Media Inquiries for West, Texas [REDACTED] - 10 a.m. Report

6/24/13 – 10 a.m. Report

## OPEN INQUIRIES

### West, Texas

#### 1. Reuters

**REPORTER:** Ryan McNeill, [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com), 646.223.7446

#### **REPORTER FOLLOW-UP REQUEST ON 6/20:**

I know you are working with my colleague, Michael Pell, on another matter. But I need to talk with someone on background today about your raw enforcement data (ICIS-FE&C) to make sure I am using it correctly and interpreting it correctly. For example, I've found what I believe are the settlement of 127 enforcement actions by the EPA involving EPCRA Section 312 violations since Jan. 1, 2012. I'd like to know additional things, such as how to ensure that I'm pulling cases in which a settlement was reached and a fine was paid for those violations. Also, whether it is possible to extract the fines paid specifically for the Section 312 violations and a few other things. I have to move quickly on this and I'm sure you guys would like to ensure I'm correctly interpreting the data. Please let me know. I can make myself available to meet your schedule.

#### **STATUS:**

#### 2. Reuters

**REPORTER:** Michael Pell, [michael.pell@thomsonreuters.com](mailto:michael.pell@thomsonreuters.com), 646.223.6997

#### **REPORTER FOLLOW-UP REQUEST ON 6/20:**

I don't need background comments. I need someone to discuss the flaws of the TIER II reporting system with me on the record. For example, the states and local officials say they expect EPA enforces TIER II reporting requirements. If no one is ensuring the quality of the data, how reliable of a tool are the TIER II reports?

**STATUS:**

## White, Candace

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**From:** Lee, Maya  
**Sent:** Wednesday, August 14, 2013 8:17 AM  
**To:** White, Candace  
**Subject:** EPA HQ-2013-008047 FW: KIWI: Media Inquiries for West, Texas [REDACTED] 10 a.m. Report

*Maya Lee Newman*

FOIA Specialist  
Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Rm 3213ARS/ Mail Code 2201A  
wk: 202-564-2483  
fax: 202-501-0017  
email: lee.maya@epa.gov

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**From:** Gentile, Laura  
**Sent:** Tuesday, August 13, 2013 5:42 PM  
**To:** Lee, Maya  
**Subject:** FW: KIWI: Media Inquiries for West, Texas [REDACTED] 10 a.m. Report

Laura L. Gentile  
Senior Communications Advisor  
U.S. EPA Office of Enforcement and Compliance Assurance  
Ariel Rios South  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

202.564.3158

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**From:** Cohen, Nancy  
**Sent:** Monday, June 24, 2013 2:44 PM  
**To:** Jones, Enesta; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] 10 a.m. Report

Enesta: I must be confusing this with Michael Pell? Sorry. Who is this for? And we are looking at the latest questions, nancy

---

**From:** Jones, Enesta  
**Sent:** Monday, June 24, 2013 2:22 PM  
**To:** Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura



**Cc:** Cohen, David

**Subject:** Re: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Nancy, [REDACTED]  
[REDACTED]

Please let me know how we can be responsive to his latest inquiry:

"In fact, the EPA has issued hundred of fines for TIERII failures in the past. So why not audit these reports? A lack of funds? Is this something industry is protesting?"

Enesta Jones

Press Office

U.S. Environmental Protection Agency

Desk: 202.564.7873

Cell: 202.236.2426

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**From:** Cohen, Nancy

**Sent:** Monday, June 24, 2013 2:18:22 PM

**To:** Jones, Enesta; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura

**Cc:** Cohen, David

**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Enesta: [REDACTED]

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**From:** Jones, Enesta

**Sent:** Monday, June 24, 2013 1:39 PM

**To:** Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura

**Cc:** Cohen, David

**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Nancy,

Can we be responsive to his questions?

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**From:** Cohen, Nancy  
**Sent:** Monday, June 24, 2013 1:38 PM  
**To:** Jones, Enesta; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Enesta: [REDACTED]

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**From:** Jones, Enesta  
**Sent:** Monday, June 24, 2013 12:01 PM  
**To:** Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David; Jones, Enesta  
**Subject:** FW: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

**More from the reporter. Nancy/Laura, can you weigh on this?**

For example, the legal experts I spoke with say it's clear that the EPA could audit TIERII reports if the agency wanted to. In fact, the EPA has issued hundred of fines for TIERII failures in the past. So why not audit these reports? A lack of funds? Is this something industry is protesting?

---

**From:** Jones, Enesta  
**Sent:** Monday, June 24, 2013 11:41 AM  
**To:** Rivas-Vazquez, Victoria; Bloomgren, David  
**Cc:** Jones, Enesta; Cohen, David; Cohen, Nancy  
**Subject:** FW: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Vicki and David,

[REDACTED]

**Here's the response provided to Michael Pell of Reuters:**

As previously stated, the EPCRA statute stipulates that the Tier II information goes to the SERCs, LEPCs, and fire department, not to EPA. It is therefore up to those entities, not EPA, to review the information, ensure it is correct and enforce the Tier II requirements. The purpose and intent of the Title III Act was to ensure that this valuable information be provided directly to the local community planners and responders so they are aware of the chemical risks in their community. It also provides a mechanism for them to work with facilities to understand the information and work together to plan for and prevent chemical accidents.

**Here's the response from Michael Pell:**

The fact that we found errors in the TIERII reporting system is an important public safety issue. The EPA should take this seriously and spend a half hour discussing the problems with us. These clipped email statements in no way serve the public's right to know how their government spends tax dollars. I believe the EPA had a nuanced and intelligent understanding of the system that it could share with the public. But as you will not discuss these errors, we will include in the story a line like this: The EPA refused to discuss errors in the TIERII reporting system.

---

**From:** Rivas-Vazquez, Victoria  
**Sent:** Monday, June 24, 2013 10:44 AM  
**To:** Jones, Enesta; Kika, Stacy; Johnson, Alisha; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Ok on both the first and second requests by Reuters.

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**From:** Jones, Enesta  
**Sent:** Monday, June 24, 2013 10:02 AM  
**To:** Jones, Enesta; Kika, Stacy; Johnson, Alisha; Rivas-Vazquez, Victoria; Gray, David; Cohen, David; Cohen, Nancy; Minter, Marsha; Bloomgren, David; Belknap, Andra; Gentile, Laura; Reynolds, Thomas; Bassler, Rachel; Behringer, Caroline; Deitz, Randy; Jones, Enesta  
**Subject:** KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

6/24/13 – 10 a.m. Report

## OPEN INQUIRIES

### West, Texas

#### 1. Reuters

**REPORTER:** Ryan McNeill, [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com), 646.223.7446

#### REPORTER FOLLOW-UP REQUEST ON 6/20:

I know you are working with my colleague, Michael Pell, on another matter. But I need to talk with someone on background today about your raw enforcement data (ICIS-FE&C) to make sure I am using it correctly and interpreting it correctly. For example, I've found what I believe are the settlement of 127 enforcement actions by the EPA involving EPCRA Section 312 violations since Jan. 1, 2012. I'd like to know additional things, such as how to ensure that I'm pulling cases in which a settlement was reached and a fine was paid for those violations. Also, whether it is possible to extract the fines paid specifically for the Section 312 violations and a few other things. I have to



move quickly on this and I'm sure you guys would like to ensure I'm correctly interpreting the data. Please let me know. I can make myself available to meet your schedule.

**STATUS:**



## 2. Reuters

**REPORTER:** Michael Pell, [michael.pell@thomsonreuters.com](mailto:michael.pell@thomsonreuters.com), 646.223.6997

### **REPORTER FOLLOW-UP REQUEST ON 6/20:**

I don't need background comments. I need someone to discuss the flaws of the TIER II reporting system with me on the record. For example, the states and local officials say they expect EPA enforces TIER II reporting requirements. If no one is ensuring the quality of the data, how reliable of a tool are the TIER II reports?

**STATUS:**







## White, Candace

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**From:** Jones, Enesta  
**Sent:** Tuesday, August 13, 2013 12:04 PM  
**To:** White, Candace  
**Cc:** Jones, Enesta  
**Subject:** EPA HQ 2013-008047

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**From:** Gentile, Laura  
**Sent:** Monday, June 24, 2013 2:53 PM  
**To:** Jones, Enesta; Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David  
**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

OECA and OSWER program folks are coordinating on the response – should have something by COB

Laura L. Gentile  
Senior Communications Advisor  
U.S. EPA Office of Enforcement and Compliance Assurance  
Ariel Rios South  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

202.564.3158

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**From:** Jones, Enesta  
**Sent:** Monday, June 24, 2013 2:48 PM  
**To:** Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** Re: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

This is for Michael's colleague at Reuters, Ryan McNeill. [REDACTED]  
[REDACTED]

OECA is also looking into this latest request.  
We're standing by for a response...thanks.

Enesta Jones  
Press Office  
U.S. Environmental Protection Agency  
Desk: 202.564.7873  
Cell: 202.236.2426

---

**From:** Cohen, Nancy  
**Sent:** Monday, June 24, 2013 2:44:09 PM  
**To:** Jones, Enesta; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

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**To:** Cohen, Nancy; Rivas-Vazquez, Victoria; Bloomgren, David; Gentile, Laura  
**Cc:** Cohen, David  
**Subject:** Re: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

Nancy,

[REDACTED]

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Enesta Jones  
Press Office  
U.S. Environmental Protection Agency  
Desk: 202.564.7873  
Cell: 202.236.2426

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**Cc:** Cohen, David  
**Subject:** RE: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

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**Subject:** FW: KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

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**Subject:** KIWI: Media Inquiries for West, Texas [REDACTED] -- 10 a.m. Report

6/24/13 – 10 a.m. Report

## OPEN INQUIRIES

West, Texas


## 1. Reuters

**REPORTER:** Ryan McNeill, [ryan.mcneill@thomsonreuters.com](mailto:ryan.mcneill@thomsonreuters.com), 646.223.7446

### REPORTER FOLLOW-UP REQUEST ON 6/20:

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**STATUS:**



## 2. Reuters

**REPORTER:** Michael Pell, [michael.pell@thomsonreuters.com](mailto:michael.pell@thomsonreuters.com), 646.223.6997

### REPORTER FOLLOW-UP REQUEST ON 6/20:

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**STATUS:**



